

**REMARKS**

The provisional election of claims 1-7, made with traverse, is hereby affirmed. Claims 8-11 are withdrawn.

Claims 1-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,778,739 to Rodth in view of U.S. Patent No. 3,811,373 to Telco. It is respectfully submitted that claims 1-7 are not unpatentable over Rodth in view of Telco.

Claim 1 requires a cartridge having an inner member, which has a discharge spout, and filter which are conjoined in one operation to the outer member, which has a storage chamber, by means of at least one weld. This is disclosed in neither Rodth nor Telco, whether alone or in combination.

Rodth discloses a body 11 having a bottom wall 12 and an annular side wall 13, with a metal disk or rigid member 17 received within the cup body 11 with its outer margin resting flat against the bottom thereof. As the Office action recognizes, Rodth fails to disclose that the rigid member 17 is attached to the bottom wall 12. However, Rodth also fails to disclose that the sheet 24 of filter material is conjoined relative to the bottom wall, and certainly does not disclose conjoining both the rigid member 17 and the sheet 24 of filter paper to the bottom wall 12 in one operation by means of at least one weld.

The Office action asserts that Telco discloses the use of a weld to secure a member within a beverage cartridge. The only items disclosed in Telco that are welded are a square filter paper 9 welded to the interior surface of the rim 6 of the envelope 4 and a further filter paper 10 is welded to the rim 11 of the exterior of the envelope 4. The filter papers 9 and 10 of Telco are not an inner member, as that term is used in claim 1 of the present application. Moreover, Telco does not disclose conjoining both one of the filter papers 9 and 10 and another component to the envelope 4 by means of at least one weld in one operation.

No motivation in either Rodth or Telco is identified in the Office action for their proposed combination.

With respect to dependent claim 5, Telco does not disclose an ultrasonically-formed weld.

With respect to dependent claim 7, neither Rodth nor Telco discloses a frame having a plurality of webs extending upwardly from the frame towards a closed first end of the outer member to define one or more passages between the frame and the closed first end of the

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outer member and wherein welds are formed between the webs and the closed first end of the outer member.

New claims 12-19 are also submitted to be patentable over Rodth and Telco, either alone or in combination.

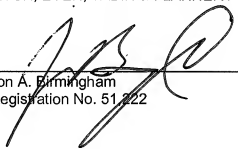
For the reasons set forth above, claims 1-7 and 12-19 are believed to be allowable over the cited references, and reconsideration and allowance of claims 1-7 and 12-19 are respectfully requested.

The Commissioner is hereby authorized to charge any which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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